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Paper No. 9
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MAR 12 2001

**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of
Chishti, et al.
Application No. 09/466,353
Filed: December 17, 1999
Title: Method and System for
Incrementally Moving Teeth

DECISION ACCORDING STATUS
UNDER 37 C.F.R. §1.47(a)

This is in response to the response to the petition under 37 C.F.R. 1.47(a), filed October 27, 2000, which is being treated as a request for reconsideration of petition under §1.47(a).

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(a) requires *inter alia* proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings). The initial petition filed September 12, 2000, was dismissed because the proof supplied by the applicant did not clearly show that the non-signing inventor was presented with the application papers as filed in the above-identified application. The proof showed that the non-signing inventor was presented with a copy of the PCT application filed in 1998 (decision mailed October 2, 2000).

With the instant petition, the declarant clarified that the PCT application was identical to this application as filed December 17, 1999. Accordingly, James M. Heslin, attorney of record, has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers.

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.

Beverly M. Flanagan
Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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LETTER

Dear Mr. Lerios:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. §1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Beverly M. Flanagan
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Supervisory Petitions Examiner
Office of Petitions
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for Patent Examination Policy

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